

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOSEPH DURAN, et al.,
Plaintiffs,

v.

THE HERSHEY COMPANY,
Defendant.

Case No. [14-cv-01184-RS](#)

**ORDER APPROVING SETTLEMENT
AGREEMENT AND DISMISSING
CLAIMS WITH PREJUDICE**

This Fair Labor Standards Act (“FLSA”) retaliation case has settled, and the parties seek judicial approval of their agreement. *See Lynn’s Food Stores Inc. v. Dep’t of Labor*, 679 F.2d 1350, 1352-53 (11th Cir. 1982). The “proper procedure for obtaining court approval of the settlement of FLSA claims is for the parties to present to the court a proposed settlement, upon which the district court may enter a stipulated judgment only after scrutinizing the settlement for fairness.” *Lee v. The Timberland Co.*, C 07-2367-JF, 2008 WL 2492295, at *2 (N.D. Cal. June 19, 2008). Approval is warranted if “the settlement is a fair and reasonable resolution of a bona fide dispute.” *Id.*

The settlement agreement in this case is fair and reasonable. As far as can be determined from the available materials, this matter involves a genuine and fact-intensive dispute. By settling, each side has chosen to avoid the risk and expense of trial. Moreover, the four remaining plaintiffs will each receive a substantial payment, relative to their claimed damages, in exchange for releasing their claims. Accordingly, **IT IS HEREBY ORDERED THAT:**

1. Approval of the settlement agreement, including the releases contained therein, the payments to plaintiffs and plaintiffs’ counsel’s attorney fees and costs, is **GRANTED**.
2. All parties are bound by the terms of the settlement agreement.
3. This action, *Duran, et al. v. The Hershey Company*, No. 3:14-cv-01184-RS, is

hereby **DISMISSED WITH PREJUDICE** and on the merits. The court reserves and retains exclusive and continuing jurisdiction over the above-captioned matter, the settlement agreement, and the parties for the purposes of supervising the implementation, effectuation, enforcement, construction, administration and interpretation of the settlement agreement.

IT IS SO ORDERED.

Dated: August 18, 2015



RICHARD SEEBORG
United States District Judge

United States District Court
Northern District of California